

# EXHIBIT 10

#34597

F-04154/NHE/esr  
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2120 - Served	2121 - Served
2220 - Not Served	2221 - Not Served
2320 - Served By Mail	2321 - Served By Mail
2420 - Served By Publication	2421 - Served By Publication

SUMMONS ALIAS SUMMONS (REV. 12/22/92) CCG-1

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION**

MICHAEL J. MADDEN and JEAN MADDEN,	)
plaintiffs,	)
	)
v.	)
	)
F.H. PASCHEN, S.N. NIELSON, INC.,	)
JACOBS FACILITIES, INC., CLIFFS AND	)
CABLES, LLC and VOA & ASSOCIATES, INC.,	)
defendants.	)

No. 03 L 000433

**\*PLEASE SERVE\***

George M. Pearce  
131 S. Dearborn St., 30<sup>th</sup> Floor  
Chicago, IL 60603

**SUMMONS**

To each defendant:

YOU ARE SUMMONED and required to file an answer to the complaint in this case, a copy of which is hereto attached, or otherwise file appearance, in the office of the Clerk of this Court (located in the Richard J. Daley Center, Room \*801, Chicago, Illinois 60602) within 30 days after service of this summons, not counting the day of service. **IF YOU FAIL TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE RELIEF ASKED IN THE COMPLAINT.**

To the Officer:

This summons must be returned by the officer or other person to whom it was given for service, with endorsement of service and fees, if any, immediately after service. If service cannot be made, this summons shall be returned so endorsed. This summons may not be served later than 30 days after its date.

**OCT 24 2005**

Name	<b>FRATERRIGO, BERANEK, FEIEREISEL &amp; KASBOHM</b>	WITNESS, ....., 2005
Attorney for	Defendant	..... <b>DOROTHY BROWN</b> .....
Address	55 West Monroe--Suite 3400	Clerk of the Court
City	Chicago, Illinois 60603-5081	Date of service: ....., 2005
Telephone	[312]782-9255	(To be inserted by officer on copy left with defendant or other person)
Attorney No.	34597	

**DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS**

\*Law Division Room 801  
Chancery-Divorce Room 802  
County Division Room 801  
Probate Division Room 1202

FBFK 18869  
PRIVILEGED - SUBJECT  
TO PROTECTIVE ORDER

CLERK OF THE CIRCUIT COURT - COOK COUNTY  
80008906 Law-01 10/24/2005 10:50AM  
ATTY: 34597 017 RDERENGO  
AD DAMNUM: \$50,000.00  
CASE NO: 2003L0008433 CALENDAR: B  
COURT DATE: 0/0/0000 12:00AM  
CASE TOTAL: \$131.00  
Third Party 3 \$131.00  
CHECK NO: 137858  
CHECK AMOUNT: \$131.00  
CHANGE \$0.00  
TRANSACTION TOTAL: \$131.00

KGB-04154/NHE/esr  
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STATE OF ILLINOIS )  
 ) SS  
COUNTY OF COOK )

#34597

**IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS  
COUNTY DEPARTMENT, LAW DIVISION**

MICHAEL J. MADDEN and JEAN MADDEN, )  
plaintiffs, )  
 )  
v. ) No. 03 L 000433  
 )  
F.H. PASCHEN, S.N. NIELSON, INC., )  
JACOBS FACILITIES, INC., CLIFFS AND )  
CABLES, LLC and VOA & ASSOCIATES, INC., )  
defendants. )  
 )  
VOA & ASSOCIATES, )  
third-party plaintiff, )  
 )  
v. )  
 )  
SCHULER & SHOOK, INC. )  
third-party defendants. )

**VOA & ASSOCIATES' THIRD-PARTY  
COMPLAINT FOR CONTRIBUTION**

NOW COMES the defendant, VOA & ASSOCIATES (VOA), by and through its attorneys, FRATERRIGO, BERANEK, FEIEREISEL & KASBOHM, and for its Third-Party Complaint for Contribution against Shuler & Shook, Inc., states as follows:

1. Plaintiff, a Consolidated District 230 employee, filed his Third Amended Complaint alleging that on August 19, 2002, he was injured in a fall while working at the Amos Alonzo Stagg High School in Palos Hills, Illinois. A copy of the third amended complaint is attached hereto as Exhibit A.
2. VOA, the architect on the project, filed an answer to plaintiff's third amended complaint, denying all liability. A copy of the answer is attached hereto as Exhibit B.

3. According to plaintiff, he sustained injury when he fell into an orchestra pit in the Performing Arts Theater.

4. Prior to August 19, 2002, VOA & Associates, retained Shuler & Shook, Inc. as theater consultants to design the orchestra pit in question.

5. Said designs were incorporated into VOA's drawings of the structure related to the subject orchestra pit.

6. Although VOA denies liability and continues to deny liability, and pleading in the alternative, Shuler & Shook, Inc. owed the plaintiff a duty to exercise reasonable care in the performance of its services at the subject building, and Shuler & Shook, Inc. breached that duty by one of more acts or omissions:

- a. Failed to design or implement orchestra pit fillers in the orchestra pit;
- b. Failed to consult or advise VOA architects in regards to theater design safety;
- c. Failed to erect warning signs, barricades or block off said area;
- d. Failed to provide temporary pit covers in the interim;
- e. Failed to design millwork surrounding the pit which would prevent someone from walking into the pit.

7. The occurrence complained of by plaintiff in his complaint and the injuries allegedly sustained by the plaintiff were directly and proximately caused by, or contributed by, one of more of the foregoing negligent acts or omissions.

8. In the event that defendant/third party plaintiff, VOA is found liable to plaintiff, VOA is entitled to contribution from Shuler & Shook, Inc. pursuant to the Illinois Joint Tortfeasor Act, 740 ILCS §100 *et seq.* to the fullest extent of the law for contributing to the cause of plaintiff's alleged injuries and for all damages arising therefrom.

WHEREFORE, VOA respectfully requests that if plaintiff obtains judgment against VOA in any amount whatsoever, then VOA should also be awarded judgment against Shuler & Shook, Inc. for contribution in an amount commensurate with its percentage of liability for plaintiff's alleged injuries, for costs and for all other relief the Court deems appropriate.

Respectfully submitted:



Kurt G. Beranek  
Naderh H. Elrabadi  
Attorneys for Defendant,  
**VOA & ASSOCIATES**

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